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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,437	08/17/2000	Subrata Mukherjee	27943-00392	6134

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EXAMINER

NGUYEN, ALAN V

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 05/21/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,437

Applicant(s)

MUKHERJEE, SUBRATA

Examiner

Alan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-19 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-19, and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirni et al (US 6,731,609) hereafter Hirni.

Regarding **claims 1 and 15** Hirni discloses a method and apparatus for a packet switched network for performing a call transfer service **(an apparatus and method for a telephony system that conduct telephonic communication, including a call transfer procedure, between a caller system and agent systems across a packet-based network that places H.323 compliant telephone calls).**

a transferring end-point within said packet switched network **(caller system 14 over a packet based network 22; col 3 lines 52-67)** involved in a held call with a first subscriber and an active call with a second subscriber **(See figure 6A/6B; end-point D3 is an active call and end-point D2 is on hold)** the transferring end-point having an active port associated with the active call, a held port associated with the held call and at least one additional port **(the end-points are attached to switch 50 of figure 4; switch 50 has an additional port 54 and 58; see col 5 lines 57-67, col 6 lines 1-8);**

and

a controlling node within said packet switched network (**server 30 contains numerous components involved in the functions of the embodiment, including an H.323 switch 50; col 8 lines 25-35 and 55-67**) connected to the transferring end-point, in response to the initiation of a call transfer service by said transferring end-point of said first subscriber to said second subscriber, the controlling node establishing communication between said held call and said active call by relaying media packets between said active port to said first subscriber (**during call transfer D2 is in communication with D3; see figure 6A/6B and col 10 lines 47-63 and col 9 lines 39-54. Also see col 12 lines 53-67, col 13, and col 16 lines 17-67 for switch 50 functionality**) wherein said first subscriber and said second subscriber communicating therebetween by using said active port associated with said transferring end-point as the destination address and wherein said connection at transferring end-point has been disconnected by said controlling node allowing said transferring end-point to make and receive other calls (**D2 and D3 are linked by C2 in figure 6B. The C2 (Conference 2) active port represents the H.323 switch 50. It serves as the destination between the 2 end-points. As shown in 6B, caller system 14 can now place and receive calls; col 7 lines 4-26**).

Regarding **claims 2 and 16**, with the features in parent claims 1 and 15 addressed above Hirni discloses where the transferring end-point comprises a mobile station in wireless communication with an A-bis gateway (**H.323 switch 50**) within the packet

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switched local area network, with the A-bis gateway having an active port, held port and at least one additional port **(The packet network can be WAN; col 3 lines 52-65).**

Regarding **claims 3 and 17**, with the features in parent claims 2 and 16 addressed above Hirni discloses where the controlling node is an access node connected to the A-bis gateway, the access node being further adapted to order the A-bis gateway to disconnect the active call and held call upon initiation of the call transfer service **(The switch 50 has the capabilities of a call disconnect; col 12 lines 31-67 and col 13).**

Regarding **claims 4 and 18**, with the features in parent claims 3 and 17 addressed above Hirni discloses where the A-bis gateway is adapted to convert between the media packets containing data that are transmitted over the packet switched local area network and circuit-switched information containing data that are transmitted between the mobile station and the A-bis gateway **(switch 50 contains a media router 100 that routs audio/video streams between networks; col 15 lines 9-59).**

Regarding **claim 5**, with the features in parent claim 3 addressed above Hirni discloses a base transceiver station connected to the A-bis gateway and in wireless communication with the mobile station, and the access node is further adapted to order the base transceiver station to release radio resources assigned to the active call and the held call upon initiation of the call transfer service **(switch 50 does a call transfer, which is to connect the first and second subscriber to each other while having**

caller party 14 be able to send and receive calls; see functions of the switch 50; col 12 lines 53-67, col 13, and col 16 lines 17-67).

Regarding **claims 6 and 19**, with the features in parent claims 3 and 17 addressed above Hirni discloses the A-bis gateway has a media port (**figure 1, element 1**) associated with the mobile station, the media port being linked to the active port, the access node being further adapted to order the A-bis gateway to disconnect the link between the media port and the active port (**switch 50 contains a media router 100 that routs audio/video streams between networks with interfaces to the active port 18; col 15 lines 9-59**).

Regarding **claims 9 and 22**, with the features in parent claims 3 and 17 addressed above Hirni discloses where the access node is further adapted to order the A-bis gateway to release the active port and the held port in response to disconnection of the transferred call by the first subscriber or the second subscriber (**col 12 lines 15-52 discloses the disconnection of a transferred call by either the caller party 14 or by the agent party 18**).

Regarding **claims 10 and 23**, with the features in parent claims 3 and 17 addressed above Hirni discloses a Gatekeeper connected to the access node, the Gatekeeper being adapted to send and receive signaling messages between the first subscriber and the second subscriber via the access node and the A-bis gateway after the call transfer

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service has been performed (**Figure 4 shows that the switch 50 comprises an H.323 gatekeeper 82 that is adapted to sending and receiving signaling messages between the end-points; col 15 lines 60-67 and col 16 lines 1-10).**

Regarding **claims 11 and 24**, with the features in parent claims 1 and 15 addressed above Hirni discloses where the controlling node is the transferring end-point, the transferring end-point being further adapted to send and receive signaling messages between the first and second subscriber after the call transfer service has been performed (**switch 50 serves as both the controlling node and interface to the transferring end-point; col 8 lines 55-67).**

Regarding **claims 12 and 25**, with the features in parent claims 1 and 15 addressed above Hirni discloses where the first subscriber and the second where the first subscriber and the second subscriber (**agent systems 18**) are additional end-points within the packet switched local area network (**Figure 1 shows the caller system 14 and agent systems 18 are connected over the same packet based network; col 3 lines 52-67).**

Regarding **claims 13 and 26**, with the features in parent claims 1 and 15 addressed above Hirni discloses where where at least one of the first subscriber and the second subscriber are within an additional network outside of the packet switched local area network (**figure 1 shows a standard telephone 39 in a PSTN that may be part of a**

call transfer; col 3 lines 52-67).

Regarding **claims 14 and 27**, with the features in parent claims 13 and 26 addressed above Hirni discloses where a gateway connected to the transferring end-point, the gateway being adapted to convert between the packet switched local area network and the additional network, the media packets that are transmitted to and from the at least one of the first subscriber and the second subscriber that are within the additional network being routed through the gateway (**switch 50 does a call transfer, which is to connect the first and second subscriber to each other while having caller party 14 be able to send and receive calls; switch 50 contains a media router 100 that routs audio/video streams between networks with interfaces to the active port 18; col 15 lines 9-59; see functions of the switch 50; col 12 lines 53-67, col 13, and col 16 lines 17-67).**

Allowable Subject Matter

3. Claims 7, 8, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding **claims 7 and 20** the cited references taken individually or in combination fails to particularly disclose where the combination of where there is a non-anchor A-bis gateway, the mobile station being handed over from the anchor A-bis gateway to the non anchor A-bis gateway prior to initiating the call transfer service, the non-anchor A-bis gateway having a media port

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associated with the mobile station and a non anchor port associated therewith, the non-anchor port being connected to the active port, the access node being further adapted to order the non-anchor A-bis gateway to release the non-anchor port to disconnect the active port from the non-anchor port.

Regarding **claims 8 and 21** the cited references taken individually or in combination fails to particularly disclose where the combination of where the mobile station hands over into an additional network outside of the packet switched local area network prior to initiating the call transfer service, and where the transferring end-point further comprises a gateway connected to the A-bis gateway and the mobile station, the gateway being adapted to convert between the packet switched local area network and the additional network, the gateway having a gateway port associated with the mobile station associated therewith, the gateway port being connected to the active port, the access node being further adapted to order the gateway to release the gateway port to disconnect the active port from the gateway port.

Response to Arguments

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to show the state of the art with respect to call conferencing in packet based networks:

US Patent (6,687,360) to Kung et al

US Patent (6,731,630) to Schuster et al

US Patent (6,577,622) to Schuster et al

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Nguyen whose telephone number is 703-305-0369. The examiner can normally be reached on 9am-6pm ET

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVN
May 14, 2004


RICKY NGO
PRIMARY EXAMINER